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OFFICE OF PETITIONS

In re Application of
Hugh J. Pasika et al.
Application No. 09/724,910
Filed: November 28, 2000
Attorney Docket No. 7414.0025 / 4615
Title: METHODS, SYSTEMS, AND
ARTICLES OF MANUFACTURE FOR
EVALUATING BIOLOGICAL DATA

DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed March 29, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed August 9, 2005, which set a shortened statutory period for reply of three (3) months. An after-final amendment was received on February 9, 2006 along with a three-month extension of time, and an advisory action was mailed on March 1, 2006. No further extensions of time under the provisions of 37 CFR §1.136(a) were available. Accordingly, the above-identified application became abandoned on February 10, 2006. A notice of abandonment was mailed on April 3, 2006.

The present petition was received on March 29, 2006, along with the petition fee. Petitioner has concurrently submitted a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 as well as the associated fee and the proper statement of unintentional delay. No terminal disclaimer is required. The RCE has been accepted as the required reply under 37 C.F.R.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

§1.137(b)(1). The previously submitted amendment of February 9, 2006 shall serve as the required submission.

As such, the petition is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment of February 9, 2006 can be processed.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shanowski
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